

# **EXHIBIT B**



**DEPARTMENT OF HEALTH & HUMAN SERVICES**

Office of the Secretary

Assistant Secretary for Public Affairs  
Washington, D.C. 20201

Refer to: Request Number **19-0218-FOIA**

**April 25, 2019**

Ms. Maggy Krell  
Chief Legal Counsel  
California Planned Parenthood Education Fund  
Sent via Email: [Maggy.Krell@ppacca.org](mailto:Maggy.Krell@ppacca.org)

Dear Ms. Krell:

This both acknowledges receipt and seeks clarification of your April 24, 2019, Freedom of Information Act (FOIA) request, submitted to the Department of Health and Human Services (HHS), FOI/Privacy Acts Division. I attached your request at this letter. We received your request on April 24, 2019.

This letter is to obtain clarification regarding the subject matter of your FOIA request. We are unable to ascertain from your request which particular agency records you wish to obtain. The FOIA allows the public to request access to "reasonably described" existing agency records (subject to any applicable FOIA exemptions to disclosure). This means you must describe the category of records you are seeking or the actual document(s), and provide sufficient details to permit a search with reasonable effort, utilizing existing indices and search tools. Unfortunately, you have not described the records with enough specificity to allow us to continue with the processing of your request.

The Freedom of Information Act Office is unable to perform an adequate search for responsive records as this request does not provide us with the HHS employee names, titles, email addresses, and the email addresses of individuals who are associated with Obria Group.

At this time, we have placed your request in "tolled" status. Therefore, please clarify and describe the records you are seeking, by sending an email to Xueqin Shang at [Xueqin.Shang@hhs.gov](mailto:Xueqin.Shang@hhs.gov) or calling at (202)260-6933.

The FOIA requires that we respond to your request within 20 working days of its receipt in this office. Please note the following unusual and exceptional circumstances that will impact our response time: (1) we will need to search for and collect records from components and/or field offices external to this office; and (2) because we receive a very heavy volume of FOIA requests, we will process your request in line with our established policy of "first in, first out" case processing. If either of these circumstances prevents our office from responding within the 20 working day timeframe, we will utilize a 10 working day extension to process your request, as permitted pursuant to the FOIA. This policy is consistent with court decisions regarding FOIA's time limits.

The law authorizes us to collect fees for responding to FOIA requests and assume that you are willing to pay any applicable fees for processing this request unless you have stated otherwise. If at any time the fee for processing your request is estimated to exceed \$250.00, we will send you an invoice for the estimated fee and suspend further processing until payment of the invoiced amount is received. If the estimated processing fee does not exceed \$250.00, we will send you an invoice for the actual fee with our response.

If you believe that we should expedite the processing of your request because the requested records are needed in light of a compelling need; i.e., an imminent threat to the life and safety of an individual; an urgency to inform the public concerning government activity (provided you are a member of the media); a deadline in litigation; a deadline for commenting on proposed regulations; or other urgent matters, you must ask for expedited processing in writing and provide to this office as much relevant information as possible.

In line with 5 U.S.C. §552(a)(6)(E)(vi), you must demonstrate the compelling need in a statement certified to be true and correct to the best of your knowledge and belief. Attach any supporting documentation to your statement, including a court scheduling order if your request is based upon a litigation deadline. (Fax supporting documentation to the FOIA/PA Division at (202) 690-8320).

If your request seeks a waiver or reduction of the fees that we would customarily charge for furnishing agency records and your request does not contain sufficient information to enable us to determine whether a waiver or reduction of fees is warranted, you should provide such information to this office within 10 working days of receipt of this letter.

In line with 45 C.F.R. § 5.45, such information must include a detailed explanation of how disclosure to you: (1) is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government, and (2) is not primarily in the commercial interest of the requester. I especially need to know how you intend to disseminate the information to the public.

When submitting this additional information, please refer to the case number listed at the top left-hand corner of this letter, and send it to:

FOI/Privacy Acts Division  
U.S. Department of Health and Human Services  
200 Independence Avenue S.W.  
Room 729H  
Washington, DC 20201

If you are not satisfied with any aspect of the processing and handling of this request, you have the right to seek dispute resolution services from:

Michael S. Marquis  
Acting FOIA Public Liaison  
Assistant Secretary for Public Affairs (ASPA)  
Office of the Secretary (OS)  
U.S. Department of Health and Human Services (HHS)  
Room 729H  
200 Independence Avenue, SW  
Washington, DC 20201

Telephone: (202)260-6744  
Fax: (202) 690-8320  
E-mail: Michael.Marquis@hhs.gov

and/or:

Office of Government Information Services  
National Archives and Records Administration

Telephone: 202-741-5770  
Toll-Free: 1-877-684-6448  
E-mail: [ogis@nara.gov](mailto:ogis@nara.gov)  
Fax: 202-741-5769

Any questions regarding the status of this request should be directed to our office at 202-690-7453.

Sincerely yours,

A handwritten signature in black ink, appearing to read "M. Marquis", with a stylized flourish at the end.

Michael S. Marquis  
Director  
FOI/Privacy Acts Division